

STATE OF NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

GENERAL PERMIT NO. NCG020000

TO DISCHARGE STORMWATER, MINE DEWATERING, AND PROCESS WASTEWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provision of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission and the Federal Water Pollution Control Act, as amended, this permit is hereby issued to all owners or operators, hereafter permittees, which are covered by this permit as evidenced by receipt of a Certificate of Coverage by the Environmental Management Commission to allow the **discharge of stormwater, mine dewatering wastewater, and process wastewater to the surface waters of North Carolina** or to a separate storm sewer system conveying discharges to surface waters, **from active and inactive mining sites**, in accordance with the terms and conditions set forth herein.

Coverage under this General Permit is applicable to:

- ◆ **Stormwater point source discharges associated with mining and quarrying of non-metallic minerals (except fuels), mine excavation, processing, and vehicle maintenance;**
- ◆ **Mine dewatering wastewater discharges;**
- ◆ **Wastewater discharges from sand and/or gravel operations;**
- ◆ **Operation of non-discharging closed-loop recycle systems (and infrequent overflows);**
- ◆ **Process wastewater discharges from non-closed-loop recycle systems.**

The following activities and associated discharges are **excluded from coverage** under this permit:

- ◆ **Borrow Pits covered by the DOT statewide stormwater permit,**
- ◆ **Peat Mining,**
- ◆ **Coal Mining,**
- ◆ **Metal Mining,**
- ◆ **Oil and Gas Extraction Operations, and**
- ◆ **Combined Mining/Asphalt Operations** (where asphalt operation is not covered by a separate permit).

The General Permit shall become effective on February 2, 2015.

The General Permit shall expire at midnight on June 1, 2015.

Signed this day February 2, 2015.

Original Signed by William E. Vinson, Jr
for Tracy E. Davis, P.E., CPM, Director
Division of Energy, Mineral, and Land Resources
By the Authority of the Environmental Management Commission

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PART I – INTRODUCTION

SECTION A: GENERAL PERMIT COVERAGE

All persons desiring to have facilities covered by this General Permit must register with the Division of Water Quality (DWQ) by the filing of a Notice of Intent (NOI) and applicable fees. The NOI shall be submitted and a certificate of coverage issued prior to any discharge of stormwater associated with industrial activity, mine dewatering wastewater, or process wastewater that has a point source discharge to the surface waters of the state.

This General Permit covers mining and quarrying of nonmetallic minerals (except fuels) including borrow pits (that would not be covered under the statewide DOT stormwater permit) and **active or inactive mines** that discharge stormwater contaminated with, or that has come in contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located at the site of such operations and stormwater runoff from vehicle maintenance areas. This General Permit also covers discharge of wastewater from processing mined materials and mine dewatering wastewater from the groundwater and/or stormwater that accumulates in the mine pit.

Any owner or operator not wishing to be covered or limited by this General Permit may make application for an individual NPDES permit in accordance with NPDES procedures in 15A NCAC 2H .0100, stating the reasons supporting the request. Any application for an individual permit should be made at least 180 days prior to commencement of discharge.

This General Permit does not cover activities or discharges covered by an individual NPDES permit until the individual permit has expired or has been revoked. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be revoked and coverage under this General Permit be provided.

Any facility may apply for new or continued coverage under this permit until a Total Maximum Daily Load (TMDL) for pollutants for stormwater or wastewater discharges is established. A TMDL sets a pollutant-loading limit that affects a watershed, or portion of a watershed, draining to an impaired water. **For discharges to watersheds affected by a TMDL, coverage under this permit may depend on the facility demonstrating it does not have reasonable potential to violate applicable water quality standards for those pollutants as a result of discharges.** If the Division determines that discharges have reasonable potential to cause water quality standard violations, the facility shall apply for an individual permit 180 days prior to the expiration date of this general permit. Once that individual permit is effective, the facility will no longer have coverage under this general permit. [Note the permittee must identify impaired waters (scheduled for TMDL development) and waters already subject to a TMDL in the Site Plan, as outlined in the Stormwater Pollution Prevention Plan (SPPP), Part III, Section A.

SECTION B: PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater, mine dewatering, and/or process wastewater to the surface waters of North Carolina or a separate storm sewer system which has been adequately treated and managed in accordance with the terms and conditions of this General Permit. **Types of approved discharges are dependent upon approval and are detailed in the permittee's individual Certificate of Coverage (COC).** All discharges shall be in accordance with the conditions of this permit. Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization, or approval. If mining activities will expand or change such that the types of discharges are affected, the permittee is to contact DWQ to determine if modifications to the COC are necessary first. The permittee is also responsible for contacting the Division of Land Resources (DLR) if modifications to the Mining Permit are necessary, as compliance with the Mining Permit is a stipulation of this permit.

The discharges allowed by this General Permit shall not cause or contribute to violations of Water Quality Standards. Discharges allowed by this permit must meet applicable wetland standards as outlined in 15A NCAC 2B .0230 and .0231 and water quality certification requirements as outlined in 15A NCAC 2H .0500. This permit does not relieve the permittee's responsibility for compliance with any other applicable federal, state or local law, rule, standard, ordinance, order or decree.

PART II – AUTHORIZATION TO CONSTRUCT AND OPERATE A TREATMENT FACILITY

Mining operations involving construction and operation of **wastewater treatment facilities** for mine dewatering or process wastewater (such as saw water, wash water, etc.) are subject to construction and operation requirements for treatment facilities as outlined in Sections A and B below.

SECTION A: REQUIREMENTS FOR CONSTRUCTING NEW OR EXPANDING WASTEWATER TREATMENT FACILITIES

1. All new or expanding wastewater treatment facilities must receive an Authorization to Construct (AtC) from DWQ, *unless specifically excluded* in Part III, Section E in this permit. Treatment **facility arrangements excluded from the AtC requirement** are as follows:
 - ◆ **Dewatering wastewater directly pumped from the pit through erosion and sedimentation control facilities** and that does not require additional treatment other than those structures to meet effluent limits prior to discharge.
 - ◆ **Water conveyed from mined sand and/or gravel through erosion and sedimentation control facilities** and that does not require additional treatment other than those structures to meet effluent limits prior to discharge.
 - ◆ **Closed-loop process recycle wastewater systems** that are designed to operate with a minimum of two feet (2') of freeboard and that limit the water entering the system to makeup water and/or precipitation that falls directly into the system (i.e., exclude stormwater runoff from draining into the system).
 - ◆ **Facilities designed to administer polyacrylamides (PAMS)** or other chemical flocculant materials, as long as administered in accordance with Division requirements and that do not require additional treatment other than those structures to meet effluent limits prior to discharge.

Treatment facility arrangements that are subject to AtC requirement include, but are not limited to:

- ◆ **Dewatering wastewater treatment facilities** for discharges that do not meet effluent limits and do not protect water quality standards.
 - ◆ **Process recycle wastewater systems** that are not designed to operate with a minimum of two feet (2') of freeboard and/or do not otherwise meet criteria to be considered closed-loop recycle system (i.e., Non-closed-loop recycle systems).
2. Application for the AtC requires that plans and specifications be submitted to the Division of Water Quality, Stormwater Permitting Unit, 1617 Mail Service Center, Raleigh, NC 27699-1617 for approval.
 3. Upon approval of the plans and specifications by the Division, a set of approved plans and specifications for the subject project will be returned to the permittee. These plans must be retained by the permittee for the life of the treatment facility.
 4. Upon receipt of an approved AtC, approved treatment facilities shall be constructed and implemented in accordance with the conditions of this permit, approved plans and specifications, and other supporting data. Treatment facilities shall be constructed to meet the effluent limitations in Part III, Section E of this General Permit. All such inspections must be documented with printed name, date, and signature of individual performing the inspection(s).
 5. Upon completion of construction and prior to operation of a permitted facility, a certification of plans and specifications must be received from a professional engineer in accordance with G.S. 89-25 certifying that the permitted facility has been installed in accordance with this permit, the approved plans and specifications, and other supporting materials. Mail the Certification of plans and specifications to the Division of Water Quality, Stormwater Permitting Unit, 1617 Mail Service Center, Raleigh, NC 27699-1617.
 6. The permittee shall notify the DWQ Regional Office at least seventy-two (72) hours in advance of operation of the installed facilities so that an in-place inspection can be made if the Regional Office so desires. Such notification to the Regional Supervisor shall be made during normal business hours from 8:00 a.m. until 5:00 p.m. on Monday through Friday, excluding State Holidays.

SECTION B: REQUIREMENTS FOR OPERATION OF A WASTEWATER TREATMENT FACILITY

Existing, new and expanding wastewater treatment facilities shall be subject to the following operational requirements.

1. Operation and maintenance of treatment facilities must be in accordance with the requirements in this General Permit. For the purposes of this permit no documentation other than a signed Certificate of Coverage is required to operate an existing treatment facility. New treatment facilities must also have an Authorization to Construct (AtC) permit, with the exceptions noted in Section A above.
2. Diversion or bypass of untreated wastewater from a treatment facility is prohibited except under provisions of this permit in Part IV, Section C.3 and Part IV, Section E.7
3. In the event that a facility fails to perform satisfactorily, including the creation of nuisance conditions, the permittee shall take immediate corrective action, including those actions that may be required by this Division, such as the construction of additional or replacement treatment or disposal facilities.
4. The issuance of this permit shall not relieve the permittee of the responsibility for damages to surface waters of the State resulting from the operation of a treatment facility.
5. Any discharge from a treatment system to groundwater must protect the groundwater standards specified in 15A NCAC 2L, Groundwater Classification and Standards.
6. Any groundwater quality monitoring, as deemed reasonably necessary by the Division, shall be provided.
7. Flocculants evaluated by the Division may be used if administered in accordance with maximum application doses and any other current requirements. No other chemical flocculants shall be used in the treatment facility without written authorization from the Division. Evaluated Polyacrylamide (PAMS) information can be found via the Stormwater Permitting Unit website.
8. All discharges of mine dewatering wastewater and process wastewater will be monitored in accordance with Part III, Section E of this permit.

PART III – MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

SECTION A: STORMWATER POLLUTION AND PREVENTION PLAN (SPPP)

All permittees shall **develop and implement** a Stormwater Pollution Prevention Plan (SPPP), herein after referred to as the Plan. This Plan shall be considered public information in accordance with Part IV, Standard Conditions, Section E, Paragraph 3 of this General Permit. The Plan shall include, at a minimum, the following items:

1. **Site Plan.** The site plan shall provide a description of the physical facility and the potential pollutant sources that may be expected to contribute to contamination of stormwater discharges. The site plan shall contain the following:
 - (a) A general location map (USGS quadrangle map or appropriately drafted equivalent map), showing the facility's location in relation to transportation routes and surface waters, the name of the receiving water(s) to which the stormwater outfall(s) discharges, or if the discharge is to a municipal separate storm sewer system, the name of the municipality and the ultimate receiving waters, and accurate latitude and longitude of the point(s) of discharge. The general location map (or alternatively the site map) shall identify whether each receiving water is **impaired** (on the state's 303(d) list of impaired waters) or is located in a **watershed for which a TMDL has been established**, and what the parameter(s) of concern are.
 - (b) A narrative description of storage practices, loading and unloading activities, outdoor process areas, dust or particulate generating or control processes, and waste disposal practices. A narrative description of the potential pollutants that could be expected to be present in the stormwater discharge from each outfall.
 - (c) A site map drawn at a scale sufficient to clearly depict: the site property boundary, the stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas (including storage of materials, disposal areas, process areas, loading and unloading areas, and haul roads), site topography, all drainage features and structures, drainage areas for each outfall, direction of flow in each drainage area, industrial activities occurring in each drainage area, buildings, existing BMPs (with design capacities), and permanent impervious surfaces, such as roads or process areas that are unlikely to change frequently. The site map shall include a distance legend. In addition, the following industrial activity areas must also be identified on the site map: fueling, engine maintenance and repair, vessel maintenance and repair, washing, painting, sanding, blasting, welding, and metal fabrication.
 - (d) A list of significant spills or leaks of pollutants that have occurred during the previous three (3) years and any corrective actions taken to mitigate spill impacts.
 - (e) Certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. The certification statement will be signed in accordance with the requirements found in Part IV, Standard Conditions, Section B, Paragraph 5. **The permittee shall re-certify annually that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges.**

2. **Erosion and Sedimentation Control.** The permittee shall implement the management practices and the erosion and sedimentation control measures that are included in the mining permit or erosion and sedimentation control permit issued by the Division of Land Resources (DLR). **Compliance with the DLR issued permit is considered a requirement of this general permit.** Any deviation from the DLR issued permit, or amendments to the issued permit, that impacts water quality shall constitute a violation of the terms and conditions of this general permit. All erosion and sediment controls shall be inspected, and a respective **written record** of repairs and maintenance shall be available to DWQ inspectors. **A signed copy of the issued permit including the approved erosion and sedimentation control measures and the reclamation plan shall be maintained on the site at all times.** Once an area is released by the Division of Land Resources in accordance with NC G.S. Chapter 74, Article 7, it shall no longer be subject to this general permit.

3. **Stormwater Management Plan.** The stormwater management plan shall contain a narrative description of the materials management practices employed which control or minimize the exposure of significant materials to stormwater, including structural and nonstructural measures. The stormwater management plan, at a minimum, shall incorporate the following:
 - (a) **Management of Stormwater Runoff and Runon.** The permittee shall maintain stormwater BMPs for mine excavation and disturbance areas, process areas, and any other areas associated with mining or vehicle maintenance activities. In addition, controls should be used to limit or isolate selected land disturbance and process areas and limit the amount of off site stormwater runoff to those areas. Appropriate Best Management Practices (BMPs) should be used to divert, infiltrate, reuse or otherwise manage stormwater runoff and runon in a manner that reduces pollutants in stormwater discharges leaving the site. Appropriate BMPs may include but are not limited to: vegetative swales, berms, use of reclaimed mine areas, and reuse of collected stormwater (such as for an industrial process or as an irrigation source).

 - (b) **BMP Controls Inspection and Maintenance.** All stormwater controls shall be inspected. All inspections are to be **documented** with a written record of repairs. BMPs shall be inspected by or under the direction of the permittee at least once every seven calendar days and within 24 hours after any storm event that results in a discharge, unless the site is inactive.

Reduced Inspections for inactive mines: For **inactive mines that have obtained an "Inactive Renewal" Mining Permit from DLR**, BMPs must be inspected at least once every month, and within 24 hours of any storm event of 0.5 inches or more. For mines where active mining has suspended temporarily, but the mine maintains an **active Mining Permit** from DLR, the permittee must certify to DWQ that all portions of the site where clearing, grading, and/or excavation activities have temporarily ceased have been stabilized with vegetation, and may then conduct BMP inspections within 24 hours of any storm event that results in a discharge (no weekly minimum). The permittee must send certification to the DWQ Regional Office of "inactive" status and may be subject to an inspection for verification. The permittee must also notify the Regional Office upon resuming mining activities.

A rain gauge and monitoring records are to be kept on site. BMPs shall be operated and maintained. BMPs must be cleaned out when sediment storage capacity is at 50% permitted volume. If visible sedimentation is leaving the property, corrective

action shall be taken to reduce the discharge of sediments. Visible sedimentation shall be recorded with a brief explanation of measures taken to prevent future releases, as well as any measures taken to remove the sediment that has left the site. Visible sedimentation records shall be kept onsite. All other stormwater specific controls (e.g. oil/water separators) shall be inspected and qualitatively monitored (as per Part III. D) on a semi-annual schedule. A log of all sampling data, including activities taken to implement BMPs associated with vehicle maintenance activities, shall be maintained and incorporated into the SPPP and kept onsite and available for inspection purposes. These items shall be available for the duration of the permit term and made available to the Director upon request. These data shall be sent to the Regional Office upon request.

- (c) **Secondary Containment Requirements and Records.** Secondary containment is required for: bulk storage of liquid materials; storage in any amount of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) water priority chemicals; and storage in any amount of hazardous substances, in order to prevent leaks and spills from contaminating stormwater runoff. A table or summary of all such tanks and stored materials and their associated secondary containment areas shall be maintained. If the secondary containment devices are connected to stormwater conveyance systems, the connection shall be controlled by manually activated valves or other similar devices (which shall be secured closed with a locking mechanism), and any stormwater that accumulates in the containment area shall be at a minimum visually observed for color, foam, outfall staining, visible sheens and dry weather flow, prior to release of the accumulated stormwater. Accumulated stormwater shall be released if found to be uncontaminated by any material. Records documenting the individual making the observation, the description of the accumulated stormwater, and the date and time of the release shall be kept for a period of five (5) years.
4. **Spill Prevention and Response Plan.** The Spill Prevention and Response Plan (SPRP) shall incorporate an assessment of potential pollutant sources based on a materials inventory of the facility. Facility personnel (or the team) responsible for implementing the SPRP shall be identified in a written list incorporated into the SPRP and signed and dated by each individual acknowledging their responsibilities for the plan. A responsible person shall be on-site at all times during facility operations that have the potential to contaminate stormwater runoff through spills or exposure of materials associated with the facility operations. The SPRP must be site stormwater specific. Therefore, an oil Spill Prevention Control and Countermeasure plan (SPCC) may be a component of the SPRP, but may not be sufficient to completely address the stormwater aspects of the SPRP. The common elements of the SPCC with the SPRP may be incorporated by reference into the SPRP.
5. **Preventative Maintenance and Good Housekeeping Program.** A preventative maintenance and good housekeeping program shall be developed and implemented. The program shall ensure equipment used during mining activity on a site must be operated and maintained to prevent potential pollution of the surface water or groundwaters of the state. Fuels, lubricants, coolants, hydraulic fluids, or any other petroleum products shall not be discharged on the ground or into surface waters. Spent lubricants and fuels shall be disposed of properly and in accordance with applicable federal disposal regulations. Spilled fluids shall be cleaned up to the maximum extent practicable and properly disposed of to prevent entry to surface waters or groundwaters of the state. The program shall establish schedules of inspections, maintenance, and housekeeping measures for vehicle maintenance and industrial activity areas (including material storage and handling areas,

disposal areas, process areas, loading and unloading areas, and haul roads), where not already addressed under another element of this Plan. Schedules for inspections, maintenance, and housekeeping, and documentation that these program elements are being implemented, shall be recorded and maintained in the SPPP.

6. **Employee Training.** Training programs shall be developed and training provided at a minimum on an annual basis for facility personnel with responsibilities for: spill response and cleanup, preventative maintenance activities, and for any of the facility's operations that have the potential to contaminate stormwater runoff. Facility personnel (or team) responsible for implementing the training shall be identified, and their annual training shall be documented by the signature of each employee trained. Additional required training items include: used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, fueling procedures, sanding, painting and blasting procedures, and used battery management.
7. **Responsible Party.** The Stormwater Pollution Prevention Plan shall identify a specific position(s) responsible for the overall coordination, development, implementation, and revision to the Plan. Responsibilities for all components of the Plan shall be documented and position assignments provided.
8. **Plan Amendment.** The permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants to surface waters. **All aspects of the Stormwater Pollution Prevention Plan shall be reviewed and updated on an annual basis.** The annual update shall include an updated list of significant spills or leaks of pollutants for the previous three (3) years, or the notation that no spills have occurred. The annual update shall include written re-certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. Each annual update shall include a documented re-evaluation of the effectiveness of the BMPs listed in the BMP Summary of the Stormwater Management Plan. The Director may notify the permittee when the Plan does not meet one or more of the minimum requirements of the permit. Within 30 days of such notice, the permittee shall submit a time schedule to the Director for modifying the Plan to meet minimum requirements. The permittee shall provide certification in writing (in accordance with Part VI, Standard Conditions, Section B, Paragraph 5) to the Director that the changes have been made.
9. **Plan Implementation.** The permittee shall implement the Plan and all appropriate BMPs to ensure that contaminants do not enter surface waters via stormwater that comes in contact with any unstabilized overburden, raw materials, intermediate products, finished products, byproducts or waste products located on the site covered by this permit. Implementation of the Plan shall include documentation of all monitoring, measurements, inspections, maintenance activities, and training provided to employees, including the log of the sampling data and of actions taken to implement BMPs associated with the industrial activities, including vehicle maintenance activities. Such documentation shall be kept on-site for a period of five years and made available to the Director or the Director's authorized representative immediately upon request.

SECTION B: STORMWATER DISCHARGES: ANALYTICAL MONITORING REQUIREMENTS

Stormwater discharges are defined as **stormwater from mining activity areas**, including (but not limited to) areas of mine excavation, other land disturbance, process areas, and vehicle maintenance. **This section does not apply to wastewater discharges from mine dewatering**

and process areas. Analytical monitoring for stormwater discharges shall be performed for parameters as specified in **Tables 1 through 3**. All analytical monitoring shall be performed during a representative storm event as defined below.

Monitoring Exemption

Analytical monitoring is not required for any basin or pond designed to contain the 25-year, 24-hour storm (see Part VII, Definitions) without discharging, and that can regain capacity to hold such an event within five (5) days' time through means other than discharge to surface waters. A basin or pond that meets this provision is considered a non-discharging stormwater control.

Table 1. Analytical Monitoring Requirements for Stormwater Discharges from Mining Activities

Discharge Characteristics	Units	Measurement Frequency ¹	Sample Type ²	Sample Location ³
Settleable Solids	ml/l	Semi-annual	Grab	SDO
Total Suspended Solids	mg/l	Semi-annual	Grab	SDO
Turbidity ⁴	NTU	Semi-annual	Grab	SDO, or U,D ⁴
Total Rainfall ⁵	inches	Semi-annual	--	--
Event Duration ⁵	minutes	Semi-annual	Estimate	--
Total Flow ⁶	MG	Semi-annual	Estimate	SDO

Footnotes:

1. Measurement Frequency: Twice per year during a representative storm event, as defined for this permit. Failure to comply with semi-annual monitoring in accordance with permit terms for any six-month monitoring period immediately triggers monthly monitoring for the remaining permit term.
2. Grab samples shall be collected within the first 30 minutes of discharge. For sites where multiple outfalls are separated by distances that preclude collection within 30 minutes of each discharge event is not feasible, begin collection procedures within 30 minutes and continue until all outfalls with discharges are sampled. Documentation explaining why it was not possible to take samples within the first 30 minutes must be kept in the SPPP.
3. Sample Location: Samples shall be collected at each stormwater discharge outfall (SDO) unless representative outfall status (ROS) has been granted *and documented* by the Division of Water Quality. A copy of the letter granting ROS shall be kept on site.
4. Turbidity may be monitored at the Stormwater Discharge Outfall. Alternatively, the permittee may choose to monitor turbidity in the receiving water, directly upstream and downstream of the stormwater discharge outfall(s).
5. For each sampled representative storm event the total precipitation must be recorded. An on-site rain gauge or local rain gauge reading must be recorded.
6. Total flow shall be: (a) measured continuously, or (b) calculated based on the amount of area draining to the outfall, the amount of impervious area, and the total amount of rainfall, or (c) estimated by the measurement of flow at 20 minute intervals during the rainfall event. Total rainfall precipitation and duration of the rainfall event refers to the representative storm event sampled.

All analytical monitoring shall be performed during a representative storm event at **each** stormwater discharge outfall (SDO). The permit allows the permittee to monitor turbidity at the SDO *or* up- and downstream of the SDO; however, the permittee should consider regular turbidity sampling up- and downstream of the discharge(s) when feasible to ensure compliance with water quality standards.

A **representative storm event** for the purposes of this General Permit is a storm event that measures greater than 0.1 inches of rainfall. The time between this storm event and the previous storm event measuring greater than 0.1 inches must be **at least 48 hours**. One storm event may have a time period within it that has no precipitation. This time period may last up to 10 hours. For example, if it rains but stops before producing any collectable discharge, a sample may be collected if the next rain producing a discharge begins within 10 hours.

The permittee shall complete the analytical samplings in accordance with the schedule specified in **Table 2. A minimum of 60 days must separate each sample event unless monthly monitoring has been instituted under a Tier 2 response.** Failure to comply with semi-annual monitoring in accordance with permit terms for any six-month monitoring period immediately triggers monthly monitoring for the remaining permit term, unless adverse weather conditions prevent sample collection during the sample collection period. Inability to sample due to adverse weather conditions must be documented in the SPPP with date, time and written narrative (*see Adverse Weather in Definitions*) and reported on the Annual Summary DMR.

Table 2. Monitoring Schedule

Semi-annual Monitoring Events ^{1,2}	Start Date (All Years) ³	End Date (All Years) ³
1	January 1	June 30
2	July 1	December 31

Footnotes:

1. Maintain semi-annual monitoring during permit renewal process (unless tiers prompt monthly). If at the expiration of the General Permit, the permittee has submitted an application for renewal of coverage before the submittal deadline, the permittee will be considered for renewed coverage. The applicant must continue monitoring until the renewed Certificate of Coverage is issued.
2. If no discharge occurs during the sampling period, the permittee must record "No Flow" or "No Discharge" within 30 days of the end of the six-month sampling period in the SPPP. "No Flow" or "No Discharge" shall be reported on the Annual Summary Discharge Monitoring Reports (DMR). This DMR is to be **submitted to the Division's Central Office by March 1 of each year**.
3. Monitoring periods remain constant throughout the five-year permit term (from January 1, 2010 to December 31, 2014).

In all cases, the permittee shall report (as required in Part IV, Section E.) the analytical results from each sample within the monitoring period. The permittee shall compare those results to the benchmark values in **Table 3**. Exceedences of benchmark values require the permittee to increase monitoring, increase management actions, increase record keeping, send the monthly monitoring results to the appropriate Regional Office, and/or install stormwater Best Management Practices (BMPs) in a tiered program. See below the descriptions of tiered response actions.

Table 3. Benchmark Values for Stormwater Discharges

Discharge Characteristics	Benchmark Values
Settleable Solids	0.1 ml/l
Total Suspended Solids (TSS)	100 mg/l
TSS (ORW, HQW, trout, and PNA waters)	50 mg/l
Turbidity	N/A (See below)

The discharge shall not cause the turbidity of the receiving water to exceed Water Quality Standards:

10 NTU	freshwater streams, lakes, and reservoirs designated as trout waters
25 NTU	all lakes and reservoirs, and all salt waters
50 NTU	all other streams and surface waters

If turbidity of the receiving stream exceeds these levels due to natural background conditions, the existing turbidity level shall not be increased. If the turbidity exceeds these levels as a result of stormwater discharges, the **permittee must immediately institute Tier 2 response actions**, including monthly monitoring of all stormwater discharge outfalls to the receiving waters. The permit allows the permittee to monitor turbidity in the effluent *or* up- and downstream of the discharge point; however, the permittee should consider regular turbidity sampling up- and downstream of the discharge(s) when feasible to ensure compliance with water quality standards.

Tier One	
If: The first valid sampling results are above a benchmark value, or outside of the benchmark range, for any parameter at any outfall;	
Then: The permittee shall <ol style="list-style-type: none"> 1. Conduct a stormwater management inspection of the facility within two weeks of receiving sampling results. 2. Identify and evaluate possible causes of the benchmark value exceedence. 3. Identify potential and select the specific: source controls, operational controls, or physical improvements to reduce concentrations of the parameters of concern, or to bring concentrations within the benchmark range. 4. Implement the selected actions within two months of the inspection. 5. Record each instance of a Tier One response in the Stormwater Pollution Prevention Plan. Include the date and value of the benchmark exceedence, the inspection date, the personnel conducting the inspection, the selected actions, and the date the selected actions were implemented. 6. Send all monitoring results for that sample period to the appropriate DWQ Regional Office. 	

Tier Two

If: During the term of this permit, the first valid sampling results from two (2) consecutive monitoring periods are above the benchmark values, or outside of the benchmark range, for any specific parameter at a specific discharge outfall;

Then: The permittee shall

1. Repeat all the required actions outlined above in Tier One.
2. Immediately institute **monthly monitoring** for all parameters at every outfall where a sampling result exceeded the benchmark value for two (2) consecutive samples. Monthly (analytical and qualitative) monitoring shall continue until three (3) consecutive samples are below the benchmark values or within the benchmark range.
3. Send all monthly monitoring to the appropriate DWQ Regional Office.
4. If no discharge occurs during the sampling period, the permittee is required to record "No Flow" or "No Discharge" in the SPPP for the sampling the period to comply with monthly monitoring requirements and must submit reports in accordance with this permit.
5. Maintain a record of Tier Two responses in the Stormwater Pollution Prevention Plan.

Tier Three

During the term of this permit, if the valid sampling results required for the permit monitoring periods exceed the benchmark value, or are outside the benchmark range, for any specific parameter at any specific outfall on **four (4) occasions**, the permittee shall notify the DWQ Regional Office Supervisor in writing **within 30 days of receipt of the fourth analytical results**. DWQ may but is not limited to:

- Require that the permittee revise, increase, or decrease the monitoring frequency for the remainder of the permit;
- Rescind coverage under the General Permit, and require that the permittee to apply for an individual stormwater discharge permit;
- Require the permittee to implement in-stream Turbidity Monitoring (U,D)
- Require the permittee to install or modify structural stormwater controls; or
- Require the permittee to implement other stormwater control measures

SECTION C: ON-SITE VEHICLE MAINTENANCE MONITORING REQUIREMENTS (STORMWATER DISCHARGES)

Facilities which have any on-site vehicle maintenance activity that uses more than 55 gallons of new motor oil per month when averaged over the calendar year shall perform analytical monitoring as specified below in **Table 4**. This monitoring shall be performed at all outfalls discharging stormwater runoff from vehicle maintenance areas, and in accordance with the

schedule presented in below. All analytical monitoring shall be performed during a representative storm event as defined for this General Permit, unless adverse weather conditions prevent sample collection during the sample collection period. Inability to sample due to adverse weather conditions must be documented in the SPPP with date, time and written narrative (*see Adverse Weather in Definitions*) and reported on the Annual Summary DMR.

Table 4. Analytical Monitoring Requirements from On-Site Vehicle Maintenance Areas

Discharge Characteristics	Units	Measurement Frequency ¹	Sample Type ²	Sample Location ³
pH	standard	Semi-annual	Grab	SDO
Total Petroleum Hydrocarbons (TPH) <i>EPA Method 1664 (SGT-HEM)</i>	mg/l	Semi-annual	Grab	SDO
Total Suspended Solids (TSS)	mg/l	Semi-annual	Grab	SDO
Total Rainfall ⁴	inches	Semi-annual	Grab	--
Event Duration ⁴	minutes	Semi-annual	Estimate	--
Total Flow ⁵	MG	Semi-annual	Estimate	SDO
New Motor Oil Usage	gallons/month	Semi-annual	Estimate	--

Footnotes:

1. Measurement Frequency: Twice per year during a representative storm event (See **Table 2**). A minimum of 60 days must separate each event. Failure to comply with semi-annual monitoring in accordance with permit terms for any six-month monitoring period immediately triggers **monthly monitoring** for the remaining permit term.
2. Grab samples shall be collected within the first 30 minutes of discharge.
3. Sample Location: Samples shall be collected at each stormwater discharge outfall (SDO) that discharges stormwater runoff from area(s) where vehicle maintenance activities occur.
4. For each sampled representative storm event the total precipitation must be recorded. An on-site or local rain gauge reading must be recorded.
5. Total flow shall be: (a) measured continuously, or (b) calculated based on the amount of area draining to the outfall, the amount of impervious area, and the total amount of rainfall, or (c) estimated by the measurement of flow at 20 minute intervals during the rainfall event. Total rainfall precipitation and duration of the rainfall event refers to the representative storm event sampled.

In all cases, the permittee shall report (as required in Part IV, Section E.) the analytical results from each sample within the monitoring period. The permittee shall compare those results to the benchmark values in **Table 5**. Exceedences of benchmark values require the permittee to increase monitoring, increase management actions, increase record keeping, send the monthly monitoring results to the appropriate Regional Office, and/or install stormwater Best Management Practices (BMPs) in a tiered program. The permittee shall comply with the required tiered response actions identified above.

Table 5. Benchmark Values for On-Site Vehicle Maintenance Activities

Discharge Characteristics	Benchmark Values
pH	within range the 6.0 – 9.0
Total Petroleum Hydrocarbons (TPH)	15 mg/l
Total Suspended Solids (TSS)	100 mg/l
TSS (ORW, HQW, trout, and PNA waters)	50 mg/l

SECTION D: QUALITATIVE MONITORING REQUIREMENTS (STORMWATER DISCHARGES)

Qualitative monitoring requires a visual inspection of each stormwater outfall *regardless* of representative outfall status and shall be performed as specified below in **Table 6**. Qualitative monitoring is for the purpose of evaluating the effectiveness of the Stormwater Pollution Prevention Plan (SPPP) and assessing new sources of stormwater pollution.

Qualitative monitoring of stormwater outfalls must be performed **during a representative storm event** as defined for this General Permit, unless adverse weather conditions prevent sample collection during the sample collection period. Inability to sample due to adverse weather conditions must be documented in the SPPP with date, time and written narrative (*see Adverse Weather in Definitions*). Qualitative monitoring will be performed twice per year, in accordance with the schedule in **Table 2**. **A minimum of 60 days must separate monitoring dates.**

Table 6. Qualitative Monitoring Requirements

Discharge Characteristics	Frequency ²	Monitoring Location ¹
Color	Semi-annual	SDO
Odor	Semi-annual	SDO
Clarity	Semi-annual	SDO
Floating Solids	Semi-annual	SDO
Suspended Solids	Semi-annual	SDO
Foam	Semi-annual	SDO
Oil Sheen	Semi-annual	SDO
Deposition at or immediately below the outfall	Semi-annual	SDO
Erosion at or immediately below the outfall	Semi-annual	SDO
Other obvious indicators of stormwater pollution	Semi-annual	SDO

Footnotes:

1. Monitoring Location: Qualitative monitoring shall be performed at each stormwater discharge outfall (SDO) regardless of representative outfall status (ROS), *unless ROS is granted specifically for qualitative monitoring*. A copy of any letter granting ROS shall be kept on site.
2. For any outfalls represented by SDOs with representative status for qualitative monitoring, qualitative monitoring is only required annually instead of semi-annually.

Representative outfall status (ROS) specifically for qualitative monitoring may be granted for some stormwater outfalls *and must be documented by the Division of Water Quality*. Qualitative monitoring for all outfalls represented **must still be performed annually at a minimum**. Qualitative monitoring records shall not be turned into the Division except when requested. Qualitative monitoring records shall be maintained on site as part of the SPPP.

Qualitative monitoring is for the purposes of evaluating the effectiveness of the Stormwater Pollution Prevention Plan (SPPP), assessing new sources of stormwater pollution, and prompting the permittee's response actions to pollution. If the permittee repeatedly fails to respond effectively to correct problems identified by qualitative monitoring, or if the discharge causes or contributes to a water quality standard violation, DWQ may but is not limited to:

- Require that the permittee revise, increase, or decrease the monitoring frequency for the remainder of the permit;
- Rescind coverage under the General Permit, and require that the permittee to apply for an individual stormwater discharge permit;
- Require the permittee to implement in-stream Turbidity Monitoring (U,D)
- Require the permittee to install or modify structural stormwater controls; or
- Require the permittee to implement other stormwater control measures

SECTION E: WASTEWATER DISCHARGES: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR MINE DEWATERING WASTEWATER & PROCESS WASTEWATER

1. MINE DEWATERING WASTEWATER

Mine dewatering requirements apply to all mines that dewater from pits including quarries, clay brick, sand & gravel, borrow pits, and refractory mining, as well as mines with similar discharges. Note that for **Construction Sand and Gravel** or **Industrial Sand** mines, "mine dewatering" wastewater includes wet pit overflows caused solely by direct rainfall and groundwater seepage.

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge mine dewatering wastewater controlled in accordance with the conditions of this permit. Mine dewatering activities that have the potential to drain wetlands or other surface waters must have secured and implemented a **Pumping Operation and Monitoring (O&M) Plan** approved by the Division. Pumping O&M Plans shall include, but are not limited to:

- Groundwater monitoring strategies to demonstrate the effect of pumping.
- Detailed plans to maintain the surrounding hydrology that protects the affected streams and wetlands and the respective monitoring to demonstrate compliance.
- The pumping regime deemed necessary to protect affected streams and wetlands.

Alternative site specific pumping and monitoring regimes may be approved by the Division on a case-by-case basis. At the Division's discretion, **approval of the Pumping O&M Plan may be required prior to coverage under this general permit.**

Analytical monitoring of mine dewatering wastewater shall be performed as specified below in **Table 7**. For each parameter, an effluent limitation is contained in **Table 8**. An exceedence of any of these limitations is a violation of the permit conditions and may be subject to enforcement action as specified in Part IV, Section A.2 of this permit.

Mine Dewatering Treatment System ATC Requirement:

Engineered erosion and sedimentation control (E&SC) structures that sufficiently treat mine dewatering wastewater so that permit effluent limits are met and water quality is protected, do not require an Authorization to Construct (AtC) and may operate in accordance with Part II, Sections A and B. **Any additional treatment devices (other than erosion and sediment control structures) needed to meet permit limits and conditions are subject to Authorization to Construct (AtC) requirements.**

2. PROCESS WASTEWATER

Process wastewater includes, but may not be limited to, the water involved in the slurry transport, washing, sawing of mined material, air emissions control or processing exclusive of mining of sand, gravel and stone washing operations, dimension stone cutting operations, and air scrubbing and dust control operations.

A) Overflow From Non-Closed Loop Recycle Systems

A “closed-loop” system is a wastewater recycle system where the only other water that may be added is either make-up water *or* precipitation that falls *directly* into the system. “Closed-loop” systems must operate at or below two feet of freeboard and must be designed to exclude stormwater runoff from draining into it. **Non-closed-loop recycle systems may recycle water, but do not meet the above design criteria.**

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge overflow from the process recycle wastewater systems that are not designed as closed-loop recycle systems.

Analytical monitoring of overflow from process recycle wastewater systems that are not designed as closed-loop recycle systems shall be performed as specified below in **Table 7**. For each parameter, an effluent limitation is contained in **Table 8**. For the purposes of this permit, overflow refers to a discharge of process wastewater as a result of a precipitation event.

Non-Closed-Loop Recycle System ATC Requirement:

Non-closed loop recycle systems do not meet the requirements for closed-loop recycle systems and are not designed and operated with two feet of freeboard. **Authorization to construct and operate requirements (Part II, Sections A and B) are applicable to non-closed-loop recycle systems.**

B) Other Treated Process Wastewater Discharges

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge treated process wastewater from mining operations. Treatment may involve conveyance through erosion and sedimentation control (E&SC) structures and/or other engineered treatment systems.

Analytical monitoring of process wastewater shall be performed as specified below in **Table 7**. For each parameter, an effluent limitation is contained in **Table 8**. An exceedence of any of these limitations will result in a violation of the permit conditions and may be subject to enforcement action as specified in Part IV, Section A.2 of this permit.

Process Wastewater Treatment System ATC Requirement:

Engineered Erosion and Sedimentation control (E&SC) structures that sufficiently treat process wastewater so that permit effluent limits are met and water quality is protected, do not require an authorization to construct (AtC) and may operate in accordance with Part II, Sections A and B.

Any additional treatment devices (other than erosion and sediment control structures) needed to meet permit limits and conditions are subject to Authorization to Construct (AtC) requirements.

Table 7. Monitoring Requirements for Wastewater Discharges in Section D – 1., 2., and 3.

Discharge Characteristics	Units	Measurement Frequency ¹	Sample Type ²	Sample Location ³	Type
pH ²	Standard	Quarterly	Grab	E	All
Settleable Solids ²	ml/l	Quarterly	Grab	E	All
Total Suspended Solids ^{2, 4}	mg/l	Quarterly	Grab	E	All
Turbidity ²	NTU	Quarterly	Grab	E or U,D	All
Fecal Coliform ^{2, 5}	col/ml	Quarterly	Grab	E	All (to SA waters)
Total Flow ⁶	MG	Quarterly	-	E	All

Footnotes:

1. The monitoring frequency is quarterly (see **Table 9**) unless the effluent limitation in **Table 8** is exceeded, at which time **monthly monitoring** will be required *for that parameter* for the remaining permit term. Failure to comply with quarterly monitoring in accordance with permit terms for any one calendar quarter immediately triggers **monthly monitoring** for all parameters for the remaining permit term.
2. A grab sample is **not required** for pH, settleable solids, TSS, turbidity, or fecal coliform from a basin/pond designed to contain or treat **mine dewatering wastewater** and that results from rainfall in excess of 10-yr, 24-hr storm (except this exemption is not available for mine dewatering of clay pits).
3. Sample Location: E – Effluent, or combined (U – Upstream, D – Downstream)
4. All facilities that are **mining Industrial Sand** are required to monitor TSS and are subject to the TSS limits in **Table 8**. **All other types of mines** covered by this permit *are also required to monitor TSS*, but are *not subject* to the limits in **Table 8**.
5. Only facilities discharging to waters classified as SA waters are required to monitor for this parameter
6. Total Flow volume shall be recorded by a continuous flow measurement instrument. Alternatively, pump curves and pump logs may be used as a means to calculate flow volume.

Table 8. EFFLUENT LIMITATIONS FOR PROCESS WASTEWATER AND MINE DEWATERING WASTEWATER

Discharge Characteristics	Effluent Limitations	
	Monthly Average	Daily Maximum
Settleable Solids	0.1 ml/l	0.2 ml/l
Total Suspended Solids ¹	25 mg/l	45 mg/l
Total Suspended Solids ¹ (HQW)	20 mg/l	45 mg/l
Total Suspended Solids ¹ (Trout waters & PNA waters)	10 mg/l	45 mg/l
pH Range ² (freshwaters)	-----	6.0 – 9.0
pH Range ² (saltwaters)	-----	6.8 – 8.5
Turbidity ³	-----	-----
Total Volume of Wastewater Discharged (HQW) ⁴	-----	50% of 7Q10 flow ⁴

Footnotes:

1. Applicable to Industrial Sand mining. Monthly Average Limit for discharges to waters designated as HQW waters is 20 mg/l and 10 mg/l for trout waters and Primary Nursery Areas (PNAs)
2. Designated swamp waters can have a pH as low as 4.3 if due to natural conditions.
3. No limit in the effluent discharge applies, but turbidity in the receiving waters shall not exceed levels described below as a result of wastewater discharges.
4. The total volume of treated wastewater for all discharges combined shall not exceed 50 percent of the total in-stream flow of the receiving waters under 7Q10 conditions in HQW waters, including trout and PNA waters.

The discharge shall not cause the turbidity of the receiving water to exceed Water Quality Standards:

10 NTU	freshwater streams, lakes, and reservoirs designated as trout waters
25 NTU	all lakes and reservoirs, and all salt waters
50 NTU	all other streams and surface waters

If turbidity of the receiving stream exceeds these levels due to natural background conditions, the existing turbidity level shall not be increased. If the turbidity exceeds these levels as a result of wastewater discharges, the **permittee must immediately institute monthly monitoring** for all parameters. The permit allows the permittee to monitor turbidity in the effluent *or* up- and downstream of the discharge point; however, the permittee should consider regular turbidity sampling up- and downstream of the discharge(s) when feasible to ensure compliance with water quality standards.

The permittee shall complete the analytical samplings of wastewater discharges in accordance with the schedule specified in **Table 9**. Failure to comply with quarterly monitoring in accordance with permit terms for any one calendar quarter immediately triggers **monthly monitoring** for all parameters for the remaining permit term.

Table 9. Monitoring Schedule

Quarterly Monitoring Events^{1,2}	Start Date (All Years)³	End Date (All Years)³
1	January 1	March 31
2	April 1	June 30
3	July 1	September 30
4	October 1	December 31

Footnotes:

1. Maintain quarterly monitoring during permit renewal process (unless an exceedance or failure to monitor prompts monthly monitoring). If at the expiration of the General Permit, the permittee has submitted an application for renewal of coverage before the submittal deadline, the permittee will be considered for renewed coverage. The applicant must continue monitoring until the renewed Certificate of Coverage is issued.
2. If no discharge occurs during the sampling period, the permittee must record "No Flow" or "No Discharge" within 30 days of the end of the three-month sampling period in their SPPP. "No Flow" or "No Discharge" shall be reported on the Annual Summary Discharge Monitoring Reports (DMR). This DMR is to be **submitted to the Division's Central Office by March 1 of each year.**
3. Monitoring periods remain constant throughout the five-year permit term (from January 1, 2010 to December 31, 2014).

3. OVERFLOW FROM A CLOSED-LOOP PROCESS RECYCLE (CLPR) WASTEWATER SYSTEM DESIGNED TO OPERATE WITH MINIMUM OF TWO FEET (2') OF FREEBOARD

A "closed-loop" system is a system where the only water that can be added must be either make-up water or precipitation that falls directly into the system. The system must operate at or below two feet of freeboard. The system must be designed to exclude stormwater runoff from draining into it.

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge overflow from closed-loop process wastewater recycle systems **designed and operated with two feet of freeboard** during normal operation. For the purposes of this permit, overflow refers to a discharge that occurs as a result of a precipitation event that over-tops the two feet of freeboard and is associated with any of the following:

- a) Sand, Gravel, and Stone Washing Operations
- b) Dimension Stone Cutting Operations
- c) Crusher Dust Control Operations

No analytical monitoring is required for overflow from closed-loop process recycle (CLPR) wastewater systems designed to operate with two feet of freeboard.

**Closed-Loop Process Recycle Wastewater System ATC Requirement:
Authorization to construct and operate requirements (Part II, Sections A and B) are not applicable to a closed-loop process recycle wastewater systems that satisfy these design criteria.**

4. BMP Conditions

- a) The permittee shall utilize best management practices (BMPs) to ensure that contaminants do not enter the surface waters as a result of blasting at the site.
- b) Flocculants evaluated by the Division may be used if administered in accordance with maximum application doses and any other current requirements.

5. Residual Management

The residuals generated from treatment facilities used to meet the effluent limitations must be disposed of in accordance with applicable standards and in a manner such as to prevent any pollutants from such materials from entering waters of the state or navigable waters of the United States.

PART IV – STANDARD CONDITIONS FOR NPDES STORMWATER GENERAL PERMITS**SECTION A: COMPLIANCE AND LIABILITY****1. Compliance Schedule**

The permittee shall comply with Limitations and Controls specified for stormwater discharges in accordance with the following schedule:

Existing facilities already operating, but applying for coverage under this General Permit for the first time: The Stormwater Pollution Prevention Plan shall be developed and implemented within 12 months of the effective date of the initial Certificate of Coverage issued pursuant to this General Permit and updated thereafter on an annual basis. Secondary containment, as specified in Part III, Section A, Paragraph 3(c) of this permit, shall be accomplished within 12 months of the effective date of the initial Certificate of Coverage.

New facilities applying for permit coverage for the first time and existing facilities previously permitted and applying for renewal under this General Permit: All requirements, conditions, limitations, and controls contained in this permit become effective immediately upon issuance of the Certificate of Coverage. The Stormwater Pollution Prevention Plan shall be developed and implemented prior to the beginning of discharges from the operation of the industrial activity and be updated thereafter on an annual basis. Secondary containment, as specified in Part III, Section A, Paragraph 3(c) of this permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

2. Duty to Comply

The permittee must comply with all conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for certificate of coverage termination, revocation and reissuance, or modification; or denial of a certificate of coverage upon renewal application.

- a. The permittee shall comply with standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.**
- b. The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed \$10,000 per violation with the maximum amount not to exceed \$125,000. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]
- c. Under state law, a daily civil penalty of not more than ten thousand dollars (\$10,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: North Carolina General Statutes 143-215.6A]
- d. Any person may be assessed an administrative penalty by the Director for violating section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000

per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this General Permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Civil and Criminal Liability

Except as provided in Section D of this permit regarding bypassing of stormwater control facilities, nothing in this General Permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

6. Property Rights

The issuance of this General Permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

7. Severability

The provisions of this General Permit are severable, and if any provision of this General Permit, or the application of any provision of this General Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this General Permit, shall not be affected thereby.

8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the certificate of coverage issued pursuant to this General Permit or to determine compliance with this General Permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this General Permit.

9. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this General Permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

10. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

SECTION B: GENERAL CONDITIONS

1. General Permit Expiration

The permittee is not authorized to discharge after the expiration date. In order to discharge beyond the expiration date, the permittee shall submit forms and fees as are required by the agency authorized to issue permits no later than 180 days prior to the expiration date. Any permittee that has not requested renewal at least 180 days prior to expiration, or any permittee that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, will be subjected to enforcement procedures as provided in NCGS §143-2153.6 and 33 USC 1251 et. seq.

2. Transfers

The certificate of coverage issued pursuant to this General Permit is not transferable to any person except after notice to and approval by the Director. The Director may require modification or revocation and reissuance of the certificate of coverage to change the name and incorporate such other requirements as may be necessary under the Clean Water Act. **Permittee is required to notify the Division within 90 days in the event the permitted facility is sold or closed.**

3. When an Individual Permit May be Required

The Director may require any owner/operator authorized to discharge under a certificate of coverage issued pursuant to this General Permit to apply for and obtain an individual permit or an alternative General Permit. Any interested person may petition the Director to take action under this paragraph. Cases where an individual permit may be required include, but are not limited to, the following:

- a. The discharger is a significant contributor of pollutants;
- b. Conditions at the permitted site change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a General Permit;
- c. The discharge violates the terms or conditions of this General Permit;
- d. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- e. Effluent limitations are promulgated for the point sources covered by this General Permit;
- f. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this General Permit.
- g. The Director determines at his or her own discretion that an individual permit is required.

4. When an Individual Permit May be Requested

Any permittee operating under this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual permit. When an individual permit is issued to an

owner/operator the applicability of this General Permit is automatically terminated on the effective date of the individual permit.

5. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified.

- a. All notices of intent to be covered under this General Permit shall be signed as follows:
 - (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
- b. All reports required by the General Permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described above;
 - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - (3) The written authorization is submitted to the Director.
- c. Any person signing a document under paragraphs a. or b. of this section shall make the following certification; which shall not be modified in any way:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

6. General Permit Modification, Revocation and Reissuance, or Termination

The issuance of this General Permit does not prohibit the Director from reopening and modifying the General Permit, revoking and reissuing the General Permit, or terminating the General Permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. al.

After public notice and opportunity for a hearing, the General Permit may be terminated for cause. The filing of a request for a General Permit modification, revocation and reissuance, or termination does not stay any General Permit condition. The certificate of coverage shall expire when the General Permit is terminated.

7. Certificate of Coverage Actions

The certificate of coverage issued in accordance with this General Permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any General Permit condition.

SECTION C: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with this General Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the General Permit.

2. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this General Permit.

3. Bypassing of Stormwater Control Facilities

Bypass is prohibited and the Director may take enforcement action against a permittee for bypass unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The permittee submitted notices as required under Section E of this Part.

If the Director determines that it will meet the three conditions listed above, the Director may approve an anticipated bypass after considering its adverse effects.

SECTION D: MONITORING AND RECORDS**1. Representative Sampling**

Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Analytical sampling shall be performed during a representative storm event. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance.

2. Recording Results

For each measurement, sample, inspection or maintenance activity performed or collected pursuant to the requirements of this General Permit, the permittee shall record the following information:

- a. The date, exact place, and time of sampling, measurements, inspection or maintenance activity;
- b. The individual(s) who performed the sampling, measurements, inspection or maintenance activity;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

3. Flow Measurements

Where required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges.

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS 143-215.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this General Permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure.

5. Representative Outfall

If a facility has multiple discharge locations with substantially identical stormwater discharges that are required to be sampled, the permittee may petition the Director for representative outfall status. If it is established that the stormwater discharges are substantially identical and the permittee is granted representative outfall status, then analytical sampling requirements may be performed at a reduced number of outfalls.

6. Records Retention

Qualitative monitoring shall be documented and records maintained at the facility along with the Stormwater Pollution Prevention Plan. Copies of analytical monitoring results shall also be maintained on-site. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this General Permit for a period of

at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. If this volume of records cannot be maintained on-site, the documents must be made available to an inspector upon request as immediately as possible.

7. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this General Permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring General Permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION E: REPORTING REQUIREMENTS

1. Discharge Monitoring Reports

Samples analyzed in accordance with the terms of this permit shall be recorded on Discharge Monitoring Report (DMR) forms provided by the Director. Annual Summary DMRs shall be delivered to the **Division (Central Office) no later than March 1 of each year** (See 2. of this Section). In addition, any samples analyzed in accordance with the terms of this permit that **violate a wastewater effluent limit or exceed a stormwater benchmark value** shall be submitted to the **Division Regional Office** on a DMR form and delivered to Division Central Files **no later than 30 days from the date the facility receives the sampling results from the laboratory**.

When no discharge has occurred from one or more outfalls during the report period, the permittee is required to record "NO FLOW" or "NO DISCHARGE" in the SPPP within 30 days of the end of the sampling period. "No Flow" or "No Discharge" information shall be reported on the Annual Report DMR.

The permittee shall record the required qualitative monitoring observations on the SDO Qualitative Monitoring Report form provided by the Division, and shall retain the completed forms on site. Qualitative monitoring results should not be submitted to the Division, except upon DWQ's specific direction to do so.

The permittee shall include the signed certification statement described in Part IV, Section B.5.c.

2. Submitting Reports (3 copies)

Two signed copies of an Annual Summary Discharge Monitoring Report (DMR) shall be submitted to DWQ **no later than March 1 of each year**. They shall be submitted to:

Central Files
Division of Water Quality
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

One signed DMR form with wastewater effluent limit violations or benchmark value exceedences shall be sent to the appropriate DWQ Regional Office **no later than 30 days from the date the facility receives the sampling results from the laboratory.**

One copy of all tiered (stormwater) response forms shall also be sent to the appropriate DWQ Regional Office **no later than 30 days from the date the facility receives the sampling results from the laboratory.** All stormwater outfall parameters shall be monitored and recorded during that monitoring period.

Addresses for each RO and the counties covered by each RO can be found here: <http://www.enr.state.nc.us/html/regionaloffices.html>. The permittee shall retain the completed originals on site. Qualitative monitoring results should **not** be submitted to the Regional Offices or Central Files unless specifically requested by DWQ.

3. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division of Water Quality. As required by the Act, analytical data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

4. Non-Stormwater Discharges

If the storm event monitored in accordance with this General Permit coincides with a non-stormwater discharge, the permittee shall separately monitor all parameters as required under the non-stormwater discharge permit and provide this information with the stormwater discharge monitoring report.

5. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which could significantly alter the nature or quantity of pollutants discharged. This notification requirement includes pollutants which are not specifically listed in the General Permit or subject to notification requirements under 40 CFR Part 122.42 (a).

6. Anticipated Noncompliance

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which may result in noncompliance with the General Permit requirements.

7. Bypass

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and affect of the bypass.
- b. Unanticipated bypass. The permittee shall submit notice within 24 hours of becoming aware of an unanticipated bypass.

8. Twenty-four Hour Reporting

The permittee shall report to the central office or the appropriate regional office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24

hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

9. Spills

The permittee shall report to the local DWQ Regional Office, within 24 hours, all significant spills as defined in Part VII of this permit. Additionally, the permittee shall report spills including: any oil spill of 25 gallons or more, any spill regardless of amount that causes a sheen on surface waters, any oil spill regardless of amount occurring within 100 feet of surface waters, and any oil spill less than 25 gallons that cannot be cleaned up within 24 hours.

10. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under 24 hour reporting at the time monitoring reports are submitted.

11. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a Notice of Intent to be covered under this General Permit or in any report to the Director, it shall promptly submit such facts or information.

PART V – LIMITATIONS REOPENER

This General Permit shall be modified or alternatively, revoked and reissued, to comply with any applicable effluent guideline or water quality standard issued or approved under Sections 302(b) (2) (c), and (d), 304(b) (2) and 307(a) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved:

- a. Contains different conditions or is otherwise more stringent than any effluent limitation in the General Permit; or
- b. Controls any pollutant not limited in the General Permit.

The General Permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.

PART VI – ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

The permittee must pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause this Division to initiate action to revoke the Certificate of Coverage.

PART VII – DEFINITIONS

1. Act

See Clean Water Act.

2. Adverse Weather

Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical. When adverse weather conditions prevent the collection of samples during the sample period, the permittee must take a substitute sample or perform a visual assessment during the next qualifying storm event. Documentation of an adverse event and the rationale must be included with your SPPP records. Adverse weather does not exempt the permittee from having to file a monitoring report in accordance with the sampling schedule. Adverse events and failures to monitor must be explained on the Annual Summary DMR Report and recorded and explained in the SPPP records.

3. Arithmetic Mean

The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.

4. Allowable Non-Stormwater Discharges

- a. This permit regulates stormwater discharges. Non-stormwater discharges which shall be allowed in the stormwater conveyance system are:

- (a) All other discharges that are authorized by a non-stormwater NPDES permit.
- (b) Uncontaminated groundwater, foundation drains, air-conditioner condensate without added chemicals, springs, discharges of uncontaminated potable water, waterline and fire hydrant flushings, water from footing drains, flows from riparian habitats and wetlands.
- (c) Discharges resulting from fire-fighting or fire-fighting training.

5. Best Management Practices (BMPs)

Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure. More information on BMPs can be found at: <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>.

6. Bypass

A bypass is the known diversion of stormwater from any portion of a stormwater control facility including the collection system, which is not a designed or established operating mode for the facility.

7. Bulk Storage of Liquid Products

Liquid raw materials, manufactured products, waste materials or by-products with a single above ground storage container having a capacity of greater than 660 gallons or with multiple above ground storage containers located in close proximity to each other having a total combined storage capacity of greater than 1,320 gallons.

8. Certificate of Coverage

The Certificate of Coverage (COC) is the cover sheet which accompanies the General Permit upon issuance and lists the facility name, location, receiving stream, river basin, effective date of coverage under the permit and is signed by the Director.

9. Clean Water Act

The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.

10. Division or DWQ

The Division of Water Quality, Department of Environment and Natural Resources.

11. Director

The Director of the Division of Water Quality, the permit issuing authority.

12. EMC

The North Carolina Environmental Management Commission.

13. Grab Sample

An individual sample collected instantaneously. Grab samples that will be analyzed (quantitatively or qualitatively) must be taken within the first 30 minutes of discharge.

14. Hazardous Substance

Any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

15. Inactive Mining Operations

Mining Sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, benefaction, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

16. Landfill

A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

17. Mine Dewatering Wastewater

Mine Dewatering Wastewater includes any water that is impounded in, or that collects in, the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operation. In **Construction Sand and Gravel** or **Industrial Sand** mines, "mine dewatering" wastewater also *includes* wet pit overflows caused solely by direct rainfall and groundwater seepage. Discharges of commingled process wastewater and mine dewatering wastewater from the facilities shall be deemed discharges of process wastewater.

18. Municipal Separate Storm Sewer System

A stormwater collection system within an incorporated area of local self-government such as a city or town.

19. No Exposure

A condition of no exposure means that all industrial materials and activities are protected by a storm resistant shelter or acceptable storage containers to prevent exposure to rain, snow, snowmelt, or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. DWQ may grant a No Exposure Exclusion from NPDES Stormwater Permitting requirements only if a facility complies with the terms and conditions described in 40 CFR §122.26(g)

20. Notice of Intent

The state application form which, when submitted to the Division, officially indicates the facility's notice of intent to seek coverage under a General Permit.

21. Overburden

Any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally-occurring surface materials that are not disturbed by mining operations

22. Permittee

The owner or operator issued a certificate of coverage pursuant to this General Permit.

23. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater is or may be discharged to waters of the state.

24. Process Wastewater

Process Wastewater includes any wastewater used in the slurry transport, washing, sawing of mined material, air emissions control or processing exclusive of mining. This water shall also include any other water which becomes commingled with such wastewater in a pit, pond, lagoon, mine or other treatment facility for such wastewater.

25. Representative Storm Event

A representative storm event for the purposes of this general permit is a storm event that measures greater than 0.1 inches of rainfall. The time between this storm event and the previous storm event measuring greater than 0.1 inches must be at least 48 hours. One storm event may have a time period with no precipitation. This time period may last up to 10 hours. For example, if it rains but stops before producing any collectable discharge, a sample may be collected if the next rain producing a discharge begins within 10 hours.

26. Representative Outfall Status

When it is established that the discharge of stormwater runoff from a single outfall is representative of the discharges at multiple outfalls, the DWQ may grant representative outfall status.

Representative outfall status allows the permittee to perform analytical monitoring (and in some cases qualitative monitoring) at a reduced number of outfalls.

27. Rinse Water Discharge

The discharge of rinse water from equipment cleaning areas associated with industrial activity. Rinse waters from vehicle and equipment cleaning areas are process wastewaters and do not include washwaters utilizing any type of detergent or cleaning agent.

28. Secondary Containment

Spill containment for the contents of the single largest tank within the containment structure plus sufficient freeboard to allow for the 25-year, 24-hour storm event.

29. Section 313 Water Priority Chemical

A chemical or chemical category which:

- a. Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
- b. Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and
- c. Meets at least one of the following criteria:
 - (1) Is listed in appendix D of 40 CFR Part 122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);
 - (2) Is listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or
 - (3) Is a pollutant for which EPA has published acute or chronic water quality criteria.

30. Severe Property Damage

Means substantial physical damage to property, damage to the control facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

31. Significant Materials

Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

32. Significant Spills

Includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (Ref: 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (Ref: 40 CFR 302.4).

33. Stormwater Discharge Outfall (SDO)

The point of departure of stormwater from a discernible, confined, or discrete conveyance, including but not limited to, storm sewer pipes, drainage ditches, channels, spillways, or channelized collection areas, from which stormwater flows directly or indirectly into waters of the State of North Carolina.

34. Stormwater Runoff

The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.

35. Stormwater Associated with Industrial Activity

The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.

36. Stormwater Pollution Prevention Plan

A comprehensive site-specific plan which details measures and practices to reduce stormwater pollution and is based on an evaluation of the pollution potential of the site.

37. Total Flow

The flow corresponding to the time period over which the entire storm event occurs. Total flow shall be either; (a) measured continuously, (b) calculated based on the amount of area draining to the outfall, the amount of built-upon (impervious) area, and the total amount of rainfall, or (c) estimated by the measurement of flow at 20-minute intervals during the rainfall event.

38. Total Maximum Daily Load (TMDL)

TMDLs are written plans for attaining and maintaining water quality standards, in all seasons, for a specific water body and pollutant. (A list of approved TMDLs for the state of North Carolina can be found at <http://h2o.enr.state.nc.us/tmdl/>)

39. Toxic Pollutant

Any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

40. Treatment Facilities

Treatment facilities include any pit, pond, lagoon, basin, mine or containment structure used to treat or contain process wastewater generated on mine sites. They must be used to meet Effluent Limitations and are not Stormwater Best Management Practices (BMPs).

41. Vehicle Maintenance Activity

Vehicle or vessel rehabilitation, mechanical repairs, painting, fueling, lubrication, cleaning operations, or airport deicing operations.

42. Visible Sedimentation

Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin which can be seen with the unaided eye.

43. 25-year, 24 hour storm event

The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.